IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14817 of 2008
SANJAY YADAV
Versus
THE STATE OF BIHAR
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3 15.07.2008 Heard the learned counsels for the petitioners and the State.

Petitioner is apprehending his arrest in Punpun P.S.Case No. 72/06 for the offences alleged to have been committed under section 302/201 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that perusal of the first information report would show that there is no whisper against this petitioner involving him in commission of the alleged offence. It is further submitted that the petitioner with the husband of the deceased was working as Security Guard in Delhi and he has been involved in this case on mere suspicion. It is further submitted that during investigation the material has come to suggest that the deceased was a lady of not a good character which was of course to be objected by the petitioner. It is further submitted that there is absolutely no material against this petitioner suggesting his involvement in the alleged crime, however, he apprehends his arrest on account of the confessional statement of one Sanjay Sao. Although pursuant to the confessional statement of said Sanjay Sao no incriminating material has been brought on record involving the petitioner and his antecedent is clean.

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Learned counsel for the State opposes the prayer for bail, however, he is not in position to refute the submissions advance on behalf of the petitioner.

Considering the submissions as noticed above and on

perusal of the first information report as well as the averments made in the petition as also the materials brought on record, it is directed that in the event of arrest or surrender within a period of four weeks, the petitioner, Sanjay Yadav be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Masaurhi, in connection with Punpun P.S.Case No. 72/06 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

It is, however, made clear that in case petitioner fails to co-operate in investigation, it will be open for the State to make an appropriate application for cancellation of his bail.

Manish/- **(Shailesh Kumar Sinha,J.)**

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